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Date: February 6, 2006

Signed:

*Linda Phillips*  
Linda Phillips

PATENT

Customer No. 22,852

Attorney Docket No. 07303.0127-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Michael SOGARD )  
Application No.: 10/038,342 ) Group Art Unit: 1639  
Filed: October 23, 2001 ) Examiner: Mark Lance SHIBUYA  
For: METHODS AND DEVICES FOR ) Confirmation No.: 7706  
HYBRIDIZATION AND BINDING )  
ASSAYS USING THERMOPHORESIS )

**Mail Stop Amendment**  
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Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p). Please charge \$180.00 to Deposit Account No. 06-0916 for the fee.

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Copies of the listed foreign patent and non-patent literature documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any additional fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Date: February 6, 2006

By:



Lauren L. Stevens  
Reg. No. 36,691

**Complete if Known**

<i>O I P E</i> FEB 06 2006 PATENT & TRADEMARK OFFICE	Application Number	10/038,342
	Filing Date	October 23, 2001
	First Named Inventor	Michael Sogard
	Art Unit	1639
	Examiner Name	Mark Lance Shibuya
Sheet	1	of 1
		Attorney Docket Number
		07303.0127-00000

(Use as many sheets as necessary)

**U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			

**Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.****FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		DE 36 22 591 C2	Jan 14, 1988			Abstract only

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		Ananthaswamy, Anil, "Origin of Life: Swirling hot water on the ocean floor may have given evolution a kick-start," <u>New Scientist</u> , 176(2367):15, 2002.	
		Bielenberg, James R. et al., "A hydrodynamic/Brownian motion model of thermal diffusion in liquids," <u>Physica A</u> , 356, 279 - 293, May 2005.	
		Braun Dieter et al., "Trapping of DNA by Thermophoretic Depletion and Convection," <u>Physical Review Letters</u> , 89(18):188103-1 - 188103-4, October 2002.	
		Day, Charles, "Thermal Gradients Can Boost the Local Concentration of DNA in Solution," <u>Physics Today</u> , 16 - 17, February 2003.	
		Liu, Edison T., "Gene Array Technologies in Biological Investigations," <u>Proceedings of the IEEE</u> , 93(4):737 - 749, April 2005.	
		Liu, Robin H. et al., "Acoustic micromixer for enhancement of DNA," <u>J. Microlith., Microfab., Microsyst.</u> , 2(3):178 - 184, July 2003.	
		Murphy, David, "Gene Expression Studies Using Microarrays: Principles, Problems, and Prospects," <u>Advances in Physiology Education</u> , 26(4):256 - 270, December 2002.	

Examiner Signature	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.